

REMARKS

Claims 1-17 and 19-43 stand rejected. Claims 1-17 and 19-43 remain pending in the patent application. Applicants ask that Claims 3 and 33 be canceled herein without prejudice. Applicants respectfully request further examination and reconsideration in view of the remarks set forth below. Applicants believe that the amendments herein to the patent application do not add new matter to it.

35 U.S.C. §103 Rejections

Claims 1, 2, 4-6, 8, 9, 13-17, 19-21, 23, 24, 28-32, 34-36, 38, 42 and 43 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma, U.S. Patent Number 5,771,355 (hereinafter Kuzma), in view of Hoffert et al., U.S. Patent Number 5,903,892 (hereinafter Hoffert), in further view of Rudy et al., U.S. Patent Number 6,360,252, and as further exemplified by Soles et al., U.S. Pub. No. 2002/0143918 (hereinafter Soles). Claims 7, 22 and 37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma in view of Hoffert in further view of Rudy in further view of Hsu et al., U.S. Patent Number 6,295,058 (hereinafter Hsu), and as further exemplified by Soles. Claims 10-12, 25-27 and 39-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma in view of Hoffert in further view of Rudy in further view of Thurlow et al., U.S. Patent Number 6,457,879 (hereinafter Thurlow), and as further exemplified by Soles. Claims 10-12, 25-27 and 39-41 are also rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma in view of Hoffert in further view of Rudy in further view of Soles in further view of Kohtake, N., et al, InfoStick: An Interaction Device for Inter-appliance Computing, HUC'99, LNCS 1707, 1999, p. 246-258 (hereinafter Kohtake). Claims 1 and 31 are also rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma in view of

Hoffert in further view of Visual Preview for Link Traversal on the WWW, Kopetzky, T. et al. (hereinafter Kopetzky), and as further exemplified by Soles.

With respect to specific rejections of particular claims, Applicants find Examiner's layout of the present Office Action to be confusing. For example, bullet point No. 1 purports to reject Claims 1, 2, 4-6, 8, 9, 13-17, 19-21, 23, 24, 28-32, 34-36, 38, 42 and 43 based on Kuzma, Hoffert, Rudy, and Soles, yet rejection arguments follow only for Claims 1-6. As another example, independent Claim 16, which presumably falls under bullet point No. 1, follows bullet point No. 7, which purports to reject Claims 10-12, 25-27, and 39-41. Moreover, in rejecting Claim 16, Examiner refers to the Kohtake reference, which is not listed in bullet point No. 1. Similar inconsistencies appear elsewhere in the present Office Action. Applicants respectfully request clarification of these issues in subsequent actions so as to alleviate any more potential confusion.

CLAIM 1

Applicants respectfully contend that Kuzma, Hoffert, Rudy, and Soles, alone or in combination, and Kuzma, Hoffert, Kopetzky, and Soles, alone or in combination, do not teach or suggest subject matter recited within newly amended independent Claim 1. For instance, amended Claim 1 recites (emphasis added):

A system comprising:
a sender client configured to send a location message comprising a recipient address, a handle to a video file and a preview of the video file, *wherein the location message is sent without the video file, and wherein further the video file comprises a plurality of still frames that represent a scene in motion;*
a *digital video recorder*; and
a server configured to receive the location message from the sender client and to send the location message to the digital video recorder that corresponds with the recipient address;

wherein the digital video recorder is configured to receive the location message from the server and to access the video file from the sender client.

First, Applicants respectfully submit that Kuzma, Hoffert, Kopetzky, and Soles, alone or in combination, do not teach or suggest a digital video recorder, as claimed. Specifically, Kuzma, Hoffert, Kopetzky, and Soles, alone or in combination, do not teach or suggest a digital video recorder that is “configured to receive the location message from the server and to access the video file from the sender client,” as claimed.

Furthermore, Applicants continue to respectfully assert that, regardless of what Kuzma may or may not teach, because Rudy teaches an email ***attachment***, which by definition accompanies the e-mail, Rudy ***teaches away*** from embodiments as recited in Claim 1. Moreover, even though the email and attachment of Rudy may be logically separate items, Rudy still teaches that “an ‘attachment’ is an item of data ***that is included*** in ... an email item” (emphasis added). In other words, regardless of whether or not the email and associated attachment are logically separate, they are nonetheless sent to a receiver client ***together***, which contradicts and teaches away from a location message being sent with a video file. Applicants therefore respectfully assert that one of ordinary skill in the art would not be motivated to combine the teachings of Rudy, which teaches sending an email and an attachment together, with any reference that purports to teach the contrary (i.e., Kuzma), to create the present invention as claimed. Moreover, to the extent that Rudy may teach a ***thumbnail*** of a ***graphical*** file, which Applicants understand to be a single, still image, Applicants respectfully submit that it does not teach a preview of a ***video*** file, where the video file “comprises a plurality of still frames that represent a scene in motion,” as claimed.

With respect to Kopetzky, Applicants respectfully submit that to the extent that Kopetzky may teach a preview of a *web page* to which a *hyperlink in another web page* points, Kopetzky does not teach or suggest: (1) a preview to a *video* file (2) contained within a location message (3) sent by a sender client and (4) received by a receiver client. Furthermore, because Kopetzky concerns links between *web pages*, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to incorporate any of its teachings in peer to peer delivery of *video* files.

Since the cited references fail to teach or suggest at least one limitation as recited in Claim 1, Applicants respectfully submit that Claim 1 overcomes both rejections under 35 U.S.C. § 103 and is thus in condition for allowance.

CLAIM 16

As explained above, bullet point No. 1 of the present Office Action purports to reject Claim 16 based on the Kuzma, Hoffert, Rudy, and Soles references. However, the specific discussion of Claim 16 (falling under bullet point No. 7) also uses the Kohtake reference. Thus, for the purposes of this response, Applicants will assume that Claim 16 and all Claims depending therefrom are rejected based on at least the Kuzma, Hoffert, Rudy, Soles, and Kohtake references.

Applicants respectfully contend that Kuzma, Hoffert, Rudy, Soles, and Kohtake, alone or in combination, do not teach or suggest subject matter recited within newly amended independent Claim 16. For instance, amended Claim 16 recites (emphasis added):

A system comprising:

a sender client coupled to send a location message comprising a recipient address,
a handle to a media file and a preview of the media file;
a *digital* video recorder; and

a server coupled to receive the location message from the sender client and *for sending the location message to the digital video recorder* that corresponds with the recipient address;

wherein the digital video recorder is coupled to receive the location message from the server and to access the media file from a peer digital video recorder.

Applicants respectfully assert that Kuzma, Hoffert, Rudy, Soles, and Kohtake, alone or in combination, fail to teach or suggest a *digital video recorder* receiving a location message and accessing a media file from a *digital video recorder*, as specifically recited in amended Claim 16. Examiner has cited Kohtake as teaching a personal video recorder. Rejection, page 8, par. 1. The recorder described in Kohtake is a standard VCR, which Applicants understand to be an *analog* recording device. Moreover, Applicants respectfully submit that Examiner has interpreted the Kohtake reference too broadly. To the extent that Kohtake discusses a VCR's interaction with its "InfoStick," the interaction between the two devices is limited to *programming the VCR to record a particular show* based on TV program information stored in the InfoStick. See Kohtake, Sections 3.2 and 3.6. Applicants find no teaching or suggestion in Kohtake of a *video recorder* (digital or otherwise) configured to receive a handle media file of an interesting web site to access the media file associated with the handle, as suggested by Examiner. Furthermore, notwithstanding the forgoing argument, Applicants respectfully submit that Kuzma, Hoffert, Rudy, Soles, and Kohtake, alone or in combination do not teach or suggest one digital video recorder accessing a media file from a *peer digital video recorder* based on information contained within a location message, as claimed in Claim 16.

Since the cited references fail to teach or suggest at least one limitation as recited in Claim 16, Applicants respectfully submit that Claim 16 overcomes both rejections under 35 U.S.C. § 103 and is thus in condition for allowance.

CLAIM 31

Regarding Claim 31, Examiner continues to assert that Claim 31 is “in substance the same subject matter discussed on” Claim 1 [Rejection, page 8, par. 6, page 11, par. 2].

Applicants respectfully object to this generalization, pointing out that Claims 1 and 31 recite distinguishing limitations. For example, Claim 1 recites accessing the media file only from the *sender client*, while Claim 16 recites accessing the media file from the sender client *or a peer digital video recorder, depending on whether a connection to the sender client is found*. As such, Applicants respectfully submit that the same rationale of rejection cannot apply to both Claim 1 and Claim 31.

In addition, Applicants respectfully contend that Kuzma, Hoffert, Rudy, and Soles, alone or in combination, and Kuzma, Hoffert, Kopetzky, and Soles, alone or in combination, do not teach or suggest subject matter recited within newly amended independent Claim 31. For instance, amended Claim 31 recites (emphasis added):

A method comprising:
 sending a location message from a sender client to a server, the location message comprising a recipient address, a handle for a media file, and a preview of the media file, *wherein the location message is sent without the media file;*
 sending the location message from the server to a digital video recorder that corresponds with the recipient address;
 checking, upon receipt of the location message at the digital video recorder, for a connection from the digital video recorder to the sender client on which to access the media file;
 if none is found, checking for a connection to a peer digital video recorder on which to access the media file; and
 accessing the media file from a source selected from the sender client and the peer digital video recorder.

First, Applicants respectfully submit that Kuzma, Hoffert, Kopetzky, and Soles, alone or in combination, do not teach or suggest a digital video recorder, as claimed. Specifically, Kuzma, Hoffert, Kopetzky, and Soles, alone or in combination, do not teach or suggest a digital

video recorder that checks, upon receipt of a location message, for a connection from the digital video recorder to a sender client on which to access a media file, that checks for a connection to a peer digital video recorder on which to access the media file if a connection to the sender client is not found, and that accesses the media file from a source selected from the sender client and the peer digital video recorder, as claimed. (*See also* above arguments with respect to the Kohtake reference and Claim 16.)

Furthermore, Applicants continue to respectfully assert that, regardless of what Kuzma may or may not teach, because Rudy teaches an email **attachment**, which by definition accompanies the e-mail, Rudy **teaches away** from embodiments as recited in Claim 31. Moreover, even though the email and attachment of Rudy may be logically separate items, Rudy still teaches that “an ‘attachment’ is an item of data **that is included** in ... an email item” (emphasis added). In other words, regardless of whether or not the email and associated attachment are logically separate, they are nonetheless sent to a receiver client **together**, which contradicts and teaches away from a location message being sent with a video file. Applicants therefore respectfully assert that one of ordinary skill in the art would not be motivated to combine the teachings of Rudy, which teaches sending an email and an attachment together, with any reference that purports to teach the contrary (i.e., Kuzma), to create the present invention as claimed.

With respect to the rejection based on Kopetzky, Applicants respectfully submit that to the extent that Kopetzky may teach a preview of a **web page** to which a **hyperlink in another web page** points, Kopetzky does not teach or suggest: (1) a preview to a media file (2) **contained within a location message** and (3) **sent by a sender client** and (4) **received by a receiver client**.

Furthermore, Applicants respectfully submit that Kuzma, Hoffert, Rudy, and Soles, alone or in combination, and Kuzma, Hoffert, Kopetzky, and Soles, alone or in combination, fail to teach or suggest a digital video recorder configured to check for a connection from the sender client on which to access the media file upon receiving the location message and, *alternatively, if none is found, checking for a connection to the peer digital video recorder on which to access the media file*, as recited in Claim 31. To the extent of that Soles may disclose pinging multiple hosts to determine their response speeds, Applicants respectfully submit that Soles does not teach or suggest *first* checking for a connection with *the sender of a location message referencing a media file* and, *if a connection is not present, checking for connection to a peer digital video recorder from which it may also access the media file*. As such, Applicants respectfully submit that Kuzma, Hoffert, Rudy, and Soles, alone or in combination, and Kuzma, Hoffert, Kopetzky, and Soles, alone or in combination, fail to teach or suggest the above limitations.

Since the cited references fail to teach or suggest at least one limitation as recited in Claim 31, Applicants respectfully submit that Claim 31 overcomes both rejections under 35 U.S.C. § 103 and is thus in condition for allowance.

CONCLUSION

In light of the above listed remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1, 2, 4-17, 19-32, and 34-43 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

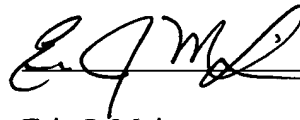
The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Dated: _____

1/5/07



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